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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,192	03/11/2004	Kao-Cheng Hsieh		4738
2292	7590	10/16/2007	EXAMINER	
<b>BIRCH STEWART KOLASCH &amp; BIRCH</b> PO BOX 747 FALLS CHURCH, VA 22040-0747				NGUYEN, KEVIN M
ART UNIT		PAPER NUMBER		
		2629		
NOTIFICATION DATE			DELIVERY MODE	
10/16/2007			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/797,192	HSIEH, KAO-CHENG
	<b>Examiner</b>	<b>Art Unit</b>
	Kevin M. Nguyen	2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,4 and 6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1, 3, 4 and 6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/2007 has been entered. An action on the RCE follows:

***Response to Arguments***

2. Response to applicant's amendment/argument filed on 8/22/2007, the independent claim 1 is amended, and claims 1, 3, 4 and 6 are pending. Applicant's arguments, see pages 3-4, with respect to the amended claim 1 have been fully considered and are not persuasive. The amendment necessitated the new ground of rejection presented in this Office action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shafer (US 6,094,238).

5. As to claim 1, Shafer discloses a wireless human input device (20, fig. 2) comprising:

**at least one wireless human transmitting unit (44, fig. 3), generating different leading signals and data signals, and transmitting said signals (figure 5 of Shafer shows two distinct boxes leader format signals such as a different box [leader] format signals and a different box [82 leader] format signal, and at least a box [KEY HI 4], and at least a box [TBALL X HI 4] which imply different signals), wherein said wireless human transmitting unit comprises a timer set with different time parameters for generating signal leading signals (Shafer clearly claims a method for communicating between a remote control (32) having a timer (40) and a receiver (50) having a second timer (58), different from the timer (40) in the remote control comprising the steps of: transmitting a signal from the remote control to the receiver where the signal includes transitions having a predetermined time difference as determined by a timer (40) in the remote control, receiving the signal at the receiver and measuring the time difference between the transitions as determined by a timer (58) in the receiver, calculating a correction factor based in part on the predetermined time difference and the measured time difference as determined by the timer in the receiver, and applying in the receiver the correction factor based upon the relative time differences as determined by the remote control and the receiver, see claim 1, or col. 5, line 55 to col. 6, line 10), and (Shafer further claims the method of communicating between a remote control and a receiver wherein the time indicates at least one of eight**

*states, and at least one of sixteen states, see claims 5 and 6 or col. 6, lines 25-30, which imply different time parameters as recited in claim 1);*

**a wireless human receiving unit, receiving all the leading signals for identifying said wireless human transmitting unit and receiving the data signal corresponding to the leading signals** (*Shafer discloses a receiver 50 including a detector 52 for receiving the transmitted two distinct pulses having said two distinct leading, and said different data packets of the keyboard 26 and the trackball 24, see );*

**wherein the leading signals have preceding waveform signals with different waveform lengths for identifying said wireless human transmitting unit** (*Shafer discloses said two distinct leader pulses of the keyboard 26 and the trackball 24 comprise a dead time 92 precedes the leader and a dead time 100 precedes a leader sequence 102, figs. 5 and 6, col. 4, lines 66-67, and col. 5, lines 20-22).*

6. As to claim 3, the wireless human input device as claimed in claim 1, wherein said wireless human transmitting unit is a wireless mouse transmitting unit, a wireless keyboard transmitting unit or a wireless touch pad transmitting unit, *whereas Shafer discloses the wireless keyboard 24, and the wireless trackball 26, fig. 2, and col.4, lines 1-10.*

7. As to claim 4, the wireless human input device as claimed in claim 1, wherein said wireless human receiving unit is commonly used for said at least wireless human transmitting unit, *whereas Shafer discloses a single receiver 22, fig. 2, col. 4, lines 5-8.*

8. As to claim 6, the wireless human input device as claimed in claim 1, wherein said wireless human receiving unit at least includes a second electronic circuit device

for identifying said leading signals, whereas Shafer discloses a preamplifier 62 within the receiver 50 detecting the incoming two distinct leader pulses which implies a second electronic circuit, fig. 4, col. 4, lines 27-35.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M. Nguyen/  
KEVIN M. NGUYEN  
Examiner  
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KMN

October 11, 2007